

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BENJAMIN RADFORD,

Plaintiff,

v.

Case No.: 1:14-CV-00334-SMV-SCY

KAREN STOLLZNOW,

Defendant.

**STIPULATED ORDER TRANSFERRING CASE AND
AMENDING ORDER AND JUDGMENT**

THIS MATTER came before the Court upon the Plaintiff's Motion to Amend Order Granting Motion to Dismiss and Judgment (Dkt. # 21) pursuant to Rule 59(e) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1631, which requires federal courts to consider transfer as an alternative to dismissal and mandates transfer when such action is possible and in the interest of justice, as it is in this case. Defendant filed her response (Dkt. # 22) in which she does not object to the transfer of this matter. The Court being advised, FINDS the motion should be granted. Accordingly, the Court herewith amends its order of August 8, 2014 (Dkt. # 19) and amends its Judgment (Dkt. # 20) of the same date. In doing so, the Court reaffirms its opinion and Order and Judgment (Dkt. #s 19 and 20), that this Court lacks personal jurisdiction over the defendant, Karen Stollznaw, but agrees that this case should not be dismissed without prejudice and, instead, should be transferred to the United States District Court for the District of Colorado, where defendant resides.

IT IS THEREFORE ORDERED that the Memorandum Opinion and Order of August 5, 2014 (Dkt. # 19) granting Defendant's Motion to Dismiss is amended to the extent that this matter is now reinstated.

THE COURT FURTHER ORDERS this matter transferred from this district court to the United States District Court for the District of Colorado.

IT IS FURTHER ORDERED that the Judgment of August 5, 2014 (Dkt. # 20) dismissing this action without prejudice for lack of personal jurisdiction is amended to the extent that this action and the case should be and hereby are reinstated for purposes of transfer to the United States District Court for the District of Colorado. The Clerk of the Court shall transfer the file accordingly. Final judgment as to this Court's lack of personal jurisdiction is entered in the New Mexico action and this judgment and order of transfer now terminates the proceeding in the United States District Court for the District of New Mexico.



STEPHAN M. VIDMAR
United States Magistrate Judge
Presiding by Consent

APPROVED:
/s/ John W. Boyd
John W. Boyd
Attorney for Plaintiff

/s Christopher Winters
Christopher Winters
Attorney for Defendant